

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:10cv359
(3:05cr46)

CURTIS ARNOLD,)	
)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
)	
Respondent.)	
_____)	

THIS MATTER comes before the Court upon Petitioner's filing entitled "2255(F)(3), filed August 4, 2010. (Doc. No. 1).

It appears that Petitioner is attempting to file a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. However, pursuant to Rule 2 of the Rules Governing Section 2255 Proceedings for the United States District Courts, a petitioner "must substantially follow either the form appended to these rules or a form prescribed by a local district-court rule." Petitioner did not use either form. Consequently, this Court will dismiss Petitioner's filing without prejudice for failure to comply with the requirements of Rule 2(c) of the Rules Governing Section 2255 Proceedings for the United States District Courts.

If Petitioner decides to file a Motion to Vacate on the proper form, he must be cognizant of the Antiterrorism and Effective Death Penalty Act's one year limitations period. In response to question 18 on the form, he should clearly articulate the facts explaining why his motion to vacate should be considered timely filed.

IT IS, THEREFORE, ORDERED that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence is **DISMISSED without prejudice**. The Clerk is directed to send Petitioner a copy of the form Motion to Vacate, Set Aside, or Correct Sentence along with a copy of this Order.

Signed: August 9, 2010

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

